

# EXHIBIT F

# EXHIBIT 1

For

RESPONSE TO 12-28-08 OFFICE ACTION

APPLICANT: NIKE, INC.

MARK: CONFIGURATION (NIKE DUNK)

SERIAL NOS. 77621442 OR 77621641 OR 77621665

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: **NIKE, INC.**

Examining Attorney:

U.S. Serial No. 77/621,641

MONIQUE MILLER

Law Office 109

Filed: November 25, 2008

Mark:



**DECLARATION IN SUPPORT OF CLAIM FOR REGISTRATION UNDER §2(F)**

The undersigned, Kelly Hibler, being duly sworn, declares as follows:

1. I am Category Footwear Leader for the Applicant and am authorized to execute this Declaration on behalf of Applicant.
2. I am familiar with the use of the mark identified in the above-captioned application.
3. Applicant has used the mark as a distinctive mark in commerce in connection with footwear since at least as early as 1986.
4. The mark has become distinctive of the goods through Applicant's substantially exclusive and continuous use of the mark in commerce for at least the five years immediately before the date of this statement.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of this application or any resulting registration, declares that the facts set forth in this application and declaration are true; all statements made of his/her knowledge are true; and all statements made on information and belief are believed to be true.

Date: 6/25/09

**NIKE, INC.**

By: 

Kelly Hibler

Category Footwear Leader

## EXHIBIT 2

For

RESPONSE TO 12-28-08 OFFICE ACTION

APPLICANT: NIKE, INC.

MARK: CONFIGURATION (NIKE DUNK)

SERIAL NOS. 77621442 OR 77621641 OR 77621665

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re Application of: **NIKE, INC.**

Examining Attorney:

U.S. Serial No. **77/621,641****MONIQUE MILLER**

Law Office 109

Filed: November 25, 2008

Mark:

**DECLARATION OF KELLY HIBLER IN SUPPORT OF APPLICATION**

The undersigned, Kelly Hibler, being duly sworn, declares as follows:

1. I am Category Footwear Leader for the Applicant and am authorized to execute this Declaration on behalf of Applicant.
2. I am familiar with the above-identified trademark, which comprises certain aspects of the configuration of the NIKE shoe known as the NIKE DUNK shoe. The NIKE DUNK shoe comes in two versions, the NIKE DUNK HIGH shoe (shown in Application No. 77/621,442) and the NIKE DUNK LOW shoe (shown in Application No. 77/621,641). The outsole (bottom) of the NIKE DUNK shoe is shown in Application No. 77/621,665).
3. As a result of my duties at NIKE, I am familiar with the design and manufacturing process for the NIKE DUNK shoe, as well as sales and advertising information for the NIKE DUNK shoe. I also am knowledgeable of competitive brands of shoes.
4. NIKE shoes generally, including the NIKE DUNK shoes, are considered premium products. Other products from different manufacturers in a wide variety of price ranges, forms and styles can be found in the marketplace.
5. At NIKE, we typically introduce at least several hundred new shoe styles each year. By "new," we mean that the shoe features either a new upper, midsole or outsole. As an example of the large number of designs available, for the Spring 2008 season alone, NIKE offered approximately 2000 footwear products worldwide. Representative excerpts from two recent NIKE catalogs are also being provided in connection with the response filed with the USPTO along with this Declaration.
6. NIKE employs a rigorous design and manufacturing process in creating new shoes. It is neither the shortest, nor the cheapest way to make shoes. However, it is critical to meet the consumer's expectations for quality that consumers associate with NIKE.
7. The NIKE design process includes having NIKE designers engage in a collaborative process to come up with a proposed design for a particular shoe. That design needs

to meet the criteria for the intended purpose of the shoe (e.g., a basketball shoe, a running shoe, etc.). As part of this process, designers visit the "Materials Library" maintained by NIKE, which contains about 9000 samples of fabrics and materials that have met NIKE's rigorous testing procedures and are thus approved to be used in NIKE shoe models. The testing process for materials that go into the materials library include testing for things such as durability, colorfastness, and the like. Manufacturers wishing to supply materials to NIKE must certify that the materials have met the NIKE criteria. Designers may not use materials in NIKE shoes that have not met these testing standards.

8. Once a shoe design is completed, the manufacturing specifications are established and NIKE also has extensive quality control procedures in place to ensure that all product meets NIKE's quality standards, including with respect to aspects such as fit, flexibility, durability, internal dimension consistency (sizing), lasting, and the like.

9. The NIKE DUNK has been a popular shoe since it was launched in 1986. In the past year, NIKE sold about 4.5 million pairs of the NIKE DUNK shoes worldwide, with sales in the United States alone comprising about 2.3 millions pairs of NIKE DUNK shoes. NIKE DUNK shoe sales in the preceding 3 years have been comparable.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of this application or any resulting registration, declares that the facts set forth in this application and declaration are true; all statements made of his/her knowledge are true; and all statements made on information and belief are believed to be true.

Date:

6/25/09

NIKE, INC.

By:

  
Kelly Hibler

Category Footwear Leader

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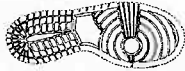
Examining Attorney:

U.S. Serial No. **77/621,665****MONIQUE MILLER**

Law Office 109

Filed: November 25, 2008

Mark:

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Date:

6/25/09**NIKE, INC**

By:

Kelly Hibler

Category Footwear Leader



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Examining Attorney:

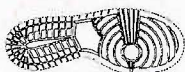
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MONIQUE MILLER

Law Office 109

Filed: November 25, 2008

Mark:



**DECLARATION OF KELLY HIBLER IN SUPPORT OF APPLICATION**

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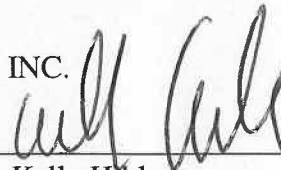
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Date:

6/25/09

NIKE, INC.

By:



Kelly Hibler

Category Footwear Leader